

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AMOS TATE	:	
Plaintiff	:	C.A. NO. 05-175 ERIE
	:	
V	:	
	:	
MAYOR of the CITY OF ERIE, PA	:	
	:	
CITY OF ERIE POLICE DEPARTMENT	:	Judge MCLAUGHLIN
	:	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

AND NOW, this ____ day of March, 2006, come defendants The Mayor of the City of Erie and the City of Erie Police Department, and state the following in support of their Motion for Summary Judgment under Rule of Civil Procedure 56:

1. The pleadings in this case have closed, and no trial date has been set.
2. All of the pleadings argument and evidentiary material submitted herewith demonstrate that there is no material issue of fact remaining for trial, and the Defendants are entitled to judgment as a matter of law.

Wherefore, Defendants respectfully request judgment in their favor, dismissing the action in its entirety with prejudice.

Respectfully Submitted,

OFFICE OF ERIE CITY SOLICITOR

By: s://Gerald J. Villella
Gerald J. Villella, Esquire
PA ID 32814
626 State Street, Room 505
Erie, PA 16501
(814) 870-1235